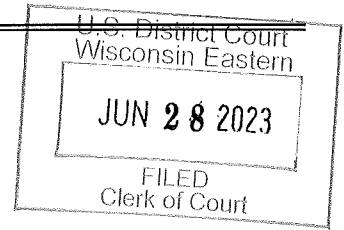


UNITED STATES DISTRICT COURT

for the

District of _____

Division _____



Miko Thomas

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

JBS

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 23-C-861

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|----------------------------------|
| Name | <u>Miko Thomas</u> |
| Street Address | <u>1337 S Norwood Ave Apt 18</u> |
| City and County | <u>Green bay, brown</u> |
| State and Zip Code | <u>Wisconsin, 54304</u> |
| Telephone Number | <u>920-819-9492</u> |
| E-mail Address | <u>indigenous87@yahoo.com</u> |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Matt Dragosh
Manager

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Terrod Menger
Supervisor

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Bryan Cayabyab
H.r Director

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

JB S

Street Address

1330 lime kiln RD

City and County

Green Bay, Brown

State and Zip Code

Wisconsin, 54311

Telephone Number

920-468-4000

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

☐

Failure to hire me.

☐

Termination of my employment.

☐

Failure to promote me.

☐

Failure to accommodate my disability.

☐

Unequal terms and conditions of my employment.

☒

Retaliation.

☐Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) _____

C. I believe that defendant(s) *(check one)*:

☐

is/are still committing these acts against me.

☒

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☐

race _____

☒

color _____

☐

gender/sex _____

☐

religion _____

☐

national origin _____

☐age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*☐disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

Statement of Claim

Plaintiffs assert the following claims for damages and relief:

1. Claim against Defendant Manager: Matt Dragosh

- Defendant denied Plaintiff proper training on the highlift, hindering Plaintiff's job performance. Date: Ongoing. Location: JBS 1330 Lime Kiln Rd, Green Bay, WI 54311
- Defendant denied Plaintiff's vacation request while approving vacation requests for other employees. Date: approximately 8/21. Location: JBS 1330 Lime Kiln Rd, Green Bay, WI 54311
- Defendant Manager retaliated against Plaintiff by issuing a false write-up, damaging Plaintiff's reputation. Date: approximately 1/22. Location: JBS 1330 Lime Kiln Rd, Green Bay, WI 54311
- Defendant further retaliated by permanently removing a co-worker from Plaintiff's shift, isolating Plaintiff and making his job more difficult. Date: approximately 2/22. Location: JBS 1330 Lime Kiln Rd, Green Bay, WI 54311
- Defendant Manager prohibited Plaintiff from working on his scheduled day without a valid reason, unfairly treating Plaintiff compared to other employees. Date: approximately 9/22. Location: JBS 1330 Lime Kiln Rd, Green Bay, WI 54311

2. Claim against Defendant Supervisor: Jerrod Menger

- Defendant falsely accused Plaintiff of not working, he did not treat other employees the same way. Date: approximately 9/21. Location: JBS 1330 Lime Kiln Rd, Green Bay, WI 54311

3. Claim against Defendant HR: Bryan Cayabyab

- Defendant HR failed to address the ongoing retaliation and discrimination despite receiving complaints from Plaintiff. Date: Ongoing. Location: JBS 1330 Lime Kiln Rd, Green Bay, WI 54311

Facts:

- Plaintiff was never trained on the highlift since 2019, hindering their ability to perform their job effectively.
- On or about 8/10/21 Matt Dragosh denied plaintiff's vacation, he stated do not think it's a "race" thing and that no one is taking a vacation at this time. Matt Dragosh also sent an

email explaining that no one is going to take a vacation during this time, Matt Dragosh approved vacations for other members while denying plaintiffs

- On or about September 18 or 19, 2021, Plaintiff's supervisor, Jerrod Menger, entered the workplace and falsely accused Plaintiff of not working.
- On or about September 18 or 19, 2021 Jerrod Menger did not check on other coworkers who were of different color or take similar actions against them.
- On or around September 20, 2021, Plaintiff filed a discrimination complaint with HR against the manager.
- In October 2021, Plaintiff had a meeting with the manager, supervisor, and HR, where the Jerrod Menger admitted to his wrongs and apologized, plaintiff brought the name of a maintenance supervisor Phillip Vorpal who claimed that Matt Dragosh asked him to target plaintiff which Phillip Vorpal refused. When Matt Dragosh was asked about Vorpal's claims Matt Dragosh remained silent and did not deny the claims of Phillip Vorpal.
- In January of 2022 Matt Dragosh and Jerrod Menger issued a write up to plaintiff for doing exactly what he was told to do.
- In January of 2022 Plaintiff filed a complaint with Hr for retaliation.
- In February 2022, Plaintiff's co-worker George Watts III was permanently moved to another shift, further isolating Plaintiff and making their job more difficult
- In March of 2022 plaintiff filed a complaint with corporate for discrimination and retaliation.
- HR, corporate, and company failed to thoroughly investigate all witnesses and conduct a proper investigation, leading Plaintiff to file a complaint with the EEOC in April of 2022.
- After Plaintiff filed a complaint with the EEOC in April of 2022, the company attempted to train plaintiff on highlift in June of 2022, the company alleged that the plaintiff lack of prescription glasses prevented him from being trained on highlift, however the only attempt to train plaintiff was in in June of 2022 as there were no attempts prior to April of 2022.
- On 6/6/23 plaintiff was notified of the respondent's statement from the EEOC; however, it was never delivered to plaintiff.
- The EEOC case was transferred to another office on or about 2/16/23, and was assigned Jorge Sosa on or about 3/2023.
- The EEOC office of California decided not to investigate and issued plaintiff a right to sue letter.

Relief Sought:

Plaintiffs seek a fair and just resolution of their claims, including compensatory damages, punitive damages, attorney's fees, and any other relief the court deems appropriate.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

4/29/22

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 4/4/23.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6.22.23

Signature of Plaintiff

Printed Name of Plaintiff

 all rights reserved
Miko Thomas

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address